



Notice of Service of Process

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Transmittal Number: 20414391
Date Processed: 09/19/2019

Primary Contact: Patrick Power
GeoVera Insurance
1455 Oliver Road
Fairfield, CA 94534

Electronic copy provided to: Brian Prentice
Robert Hagedorn

Entity: GeoVera Insurance Company
Entity ID Number 1965370

Entity Served: Geovera Insurance Company

Title of Action: Victoria Smith vs. Geovera Insurance Company

Document(s) Type: Citation/Petition

Nature of Action: Contract

Court/Agency: Iberia Parish District Court, LA

Case/Reference No: 134777

Jurisdiction Served: Louisiana

Date Served on CSC: 09/17/2019

Answer or Appearance Due: 15 Days

Originally Served On: Secretary of State Louisiana on 9/13/2019

How Served: Certified Mail

Sender Information: Galen M. Hair
504-684-5200

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To avoid potential delay, please do not send your response to CSC

251 Little Falls Drive, Wilmington, Delaware 19808-1674 (888) 690-2882 | sop@cscglobal.com

**State of Louisiana
Secretary of State**

09/16/2019

Legal Services Section
P.O. Box 94125, Baton Rouge, LA 70804-9125
(225) 922-0415

GEOVERA INSURANCE COMPANY
C/O CORPORATION SERVICE COMPANY
501 LOUISIANA AVENUE
BATON ROUGE, LA 70802-5921

Suit No.: 134777
16TH JUDICIAL DISTRICT COURT
IBERIA PARISH

VICTORIA SMITH
vs
GEOVERA INSURANCE COMPANY, ET AL

Dear Sir/Madam:

I am enclosing a citation served in regard to the above entitled proceeding. If you are not the intended recipient of this document, please return it to the above address with a letter of explanation. All other questions regarding this document should be addressed to the attorney that filed this proceeding.

Yours very truly,

R. KYLE ARDOIN
Secretary of State

Served on: R. KYLE ARDOIN
Served by: E CUMMINS

Date: 09/13/2019
Title: DEPUTY SHERIFF

No: 1134532

TG



CITATION

VICTORIA SMITH

VERSUS

GEOVERA INSURANCE COMPANY, ET AL

Case: 00134777

Division: C

State of Louisiana

16th Judicial District Court

Parish of Iberia

To: GEOVERA INSURANCE COMPANY
THROUGH ITS REGISTERED AGENT FOR SERVICE OF PROCESS
LOUISIANA SECRETARY OF STATE
8585 ARCHIVES AVE.
BATON ROUGE, LA. 70809

SERVED ON
R. KYLE ARDOIN

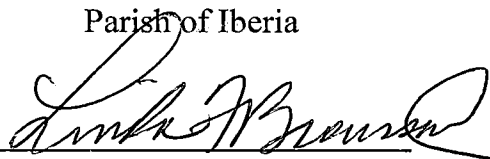
SEP 13 2019 of EAST BATON ROUGE Parish

SECRETARY OF STATE
COMMERCIAL DIVISION

You are hereby summoned to comply with the demand contained in the **PETITION FOR BAD FAITH AND DAMAGES** of which a true and correct copy (exclusive of exhibits) accompanies this citation, or make an appearance, either by filing a pleading or otherwise, the 16th Judicial District Court in and for the Parish of Iberia, State of Louisiana, within fifteen (15) days after the service hereof, under penalty of default.

WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE AT NEW IBERIA, LOUISIANA, THIS
5TH DAY OF SEPTEMBER, 2019.

Clerk of Court
16th Judicial District Court
Parish of Iberia



Deputy Clerk of Court

Requested by:
GALEN HAIR
909 POYDRAS ST., SUTIE 1100
NEW ORLEANS, LA. 70112

STATE OF LOUISIANA

16th JUDICIAL DISTRICT COURT FOR THE PARISH OF IBERIA

No. 134777

VICTORIA SMITH

Div. C

V.

GEOVERA INSURANCE COMPANY and MICHELLE SMITH

Filed: _____

Deputy Clerk

PETITION FOR BAD FAITH AND DAMAGES

NOW INTO COURT, through undersigned counsel, comes Petitioner, Victoria Smith, an adult resident of Iberia Parish, Louisiana. She avers as follows:

1.

Made Defendant herein is **GEOVERA INSURANCE COMPANY** ("GIS"), upon information and belief, an insurer authorized to do and doing business in the State of Louisiana, which may be served through its Registered Agent for Service of Process, Louisiana Secretary of State, 8585 Archives Ave., Baton Rouge, LA 70809. Made additional Defendant herein is **MICHELLE SMITH** ("Michelle"), a resident of Iberia Parish, who may be served at 7519 April Court, New Iberia, LA 70560.

2.

Jurisdiction is proper in this Honorable Court pursuant to Louisiana Code of Civil Procedure Article 2.

3.

Venue is proper in this Court pursuant to Louisiana Code of Civil Procedure Article 42 and Article 73.

4.

At all times relevant hereto, Petitioner owned a home at 404 Texaco Street, New Iberia, Louisiana (the "home").

5.

On September 3, 2018, the home caught fire. The home's structure and contents were damaged. Further, some additional living expenses were incurred as a direct and proximate result of the fire.

6.

At all times relevant hereto, Defendant, GIS, acted through its agents, employees, officers, members, directors, heirs, successors, assignees, principals, trustees, sureties, subrogees, representatives, and insurers. GIS provided a policy of insurance to cover damage to the home.

7.

To date, GIS has not made a single payment towards the damage caused by the fire.

8.

In fact, GIS has refused to pay for anything.

9.

Upon information and belief, the fire was intentionally set by Michelle as a result of her ongoing bitter feelings towards Petitioner. Petitioner and Michelle are ex-spouses.

10.

The damage caused to Petitioner's home was caused by Michelle and through no fault of Petitioner.

11.

After the event, GIC was promptly contacted regarding the loss.

12.

Thereafter, GIC sent out an adjuster to investigate the damage and produce an estimate.

13.

Following the visit by the adjuster, GIC denied the claim in its entirety.

14.

GIC has a pattern, policy, and practice of denying fire losses.

15.

Under Louisiana Revised Statute 22:1892, an insurer has thirty (30) days to pay the amount of a claim upon receiving satisfactory proof of loss from the insured or a party in interest.

16.

To date, GIC has failed to timely pay the claim in part due to simply ignoring Petitioner's entreaties to pay the claim.

17.

Under La. R.S. 22:1973, an insurer is required to "pay the amount of any claim due any person insured by the contract within sixty days after receipt of satisfactory proof of loss from the claimant when such failure is arbitrary, capricious, or without probable cause."

18.

GIC is therefore in violation of both La. R.S. 22:1892 and 22:1973.

19.

Petitioner requests a trial by jury.

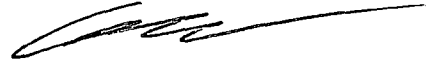
20.

GIC and Michelle, for all reasons described herein and otherwise, failed to fulfill their obligations under the policy of insurance and under Louisiana law and are therefore liable unto Petitioners for the following reasons, to-wit:

- a. Failing to timely pay ALE benefits as allowed under the GIC policy (GIC);
- b. Failure to pay sums due when due (GIC);
- c. Failure to adhere to the policy (GIC);
- d. Breach of contract (GIC);
- e. Any damages to the property and any coverages (GIC);
- f. Damages caused by Smith either intentionally or negligently (Smith); and
- g. Arbitrary and capricious penalties, attorney's fees, and general and special damages pursuant to La. R.S. 22:1973 and 22:1892 (GIC).

WHEREFORE, Petitioner, Victoria Smith prays that after due proceeding are had in this matter, there be judgment in their favor and against Defendants GIC and Michelle Smith, for all damages sustained as a result of this incident together with legal interest thereupon from the date of judicial demand along with all costs and attorneys' fees arising out of the prosecution of this matter, all in an amount reasonable in the premises and to all other relief to which he may be entitled.

RESPECTFULLY SUBMITTED:



Galen M. Hair, La. Bar No. 32865

Trent J. Moss, La. Bar No. 37406

**SCOTT, VICKNAIR, HAIR
& CHECKI LLC**

909 Poydras Street, Suite 1100

New Orleans, Louisiana 70112

Telephone: (504-684-5200)

Facsimile: (504-613-6351)

PLEASE SERVE:

Geovera Insurance Company
Through its Registered Agent for Service of Process:
Louisiana Secretary of State
8585 Archives Avenue
Baton Rouge, LA 70809

Michelle Smith
7519 April Court
New Iberia, LA 70560

STATE OF LOUISIANA

16th JUDICIAL DISTRICT COURT FOR THE PARISH OF IBERIA

No.

VICTORIA SMITH

Div.

V.

GEOVERA INSURANCE COMPANY and MICHELLE SMITH

Filed: _____

Deputy Clerk

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- b. Failure to pay sums due when due (GIC);
- c. Failure to adhere to the policy (GIC);
- d. Breach of contract (GIC);
- e. Any damages to the property and any coverages (GIC);
- f. Damages caused by Smith either intentionally or negligently (Smith); and
- g. Arbitrary and capricious penalties, attorney's fees, and general and special damages pursuant to La. R.S. 22:1973 and 22:1892 (GIC).

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Telephone: (504-684-5200)

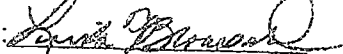
Facsimile: (504-613-6351)

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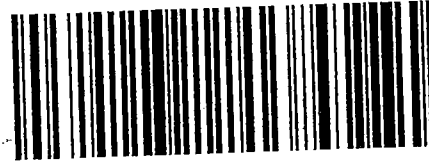
Geovera Insurance Company
Through its Registered Agent for Service of Process:
Louisiana Secretary of State
8585 Archives Avenue
Baton Rouge, LA 70809

Michelle Smith
7519 April Court
New Iberia, LA 70560

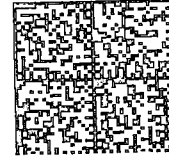
Filed Sept. 4, 2019
Signed: Linda F. Broussard, Dty. Clk.
A TRUE COPY:

ATTEST: 
Dty. Clerk of Court
Iberia Parish, La.

R. KYLE ARDOIN
SECRETARY OF STATE
P.O. BOX 94125
BATON ROUGE, LA 70804-9125



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